

ORIGINAL

At IAS Part 48 of the Supreme Court  
of the State of New York, held in  
and for the County New York, at the  
Courthouse, 60 Centre Street, New  
York, New York, on the 27th day of  
April, 2019.

P R E S E N T: Hon. Andrea Masley, Justice

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

ALTERRA AMERICA INSURANCE CO.,

Plaintiff,

v.

NATIONAL FOOTBALL LEAGUE, et. al.

Defendant.

DISCOVER PROPERTY & CASUALTY  
COMPANY, et al.,

Plaintiffs,

v.

NATIONAL FOOTBALL LEAGUE, et al.,

Defendants.

Index No. 652813/2012 E

Hon. Andrea Masley

Motion Seq. No. 022

~~PROPOSED~~

**ORDER TO SHOW CAUSE  
WITH TEMPORARY  
RESTRAINING ORDER**

Upon the annexed Affirmation of Irreparable Harm of Seth B. Schafler, Esq., dated April 26, 2019 and the exhibit thereto, the Affirmation of Urgency of Seth B. Schafler, Esq., dated April 26, 2019, and the accompanying Memorandum of Law in Support of the motion by non-parties the Arizona Cardinals Football Club, LLC, the Chargers Football Company, LLC, the Forty Niners Football Company, LLC, The Los Angeles Rams, LLC, The Oakland Raiders, LLP, PDB Sports, Ltd. d/b/a Denver Broncos, the Jacksonville Jaguars, LLC, the Miami Dolphins,

Ltd., the Buccaneers Team LLC, the Atlanta Falcons Football Club, LLC, The Chicago Bears Football Club, Inc., the Indianapolis Colts, Inc., the New Orleans Louisiana Saints, LLC, the Baltimore Ravens Limited Partnership, Pro-Football, Inc. d/b/a Washington Redskins, the New England Patriots, LLC, The Detroit Lions, Inc., the Minnesota Vikings Football Club, LLC, the Kansas City Chiefs Football Club, Inc., the New York Jets, LLC, the Panthers Football, LLC d/b/a Carolina Panthers, the Cincinnati Bengals, Inc., the Cleveland Browns Football Company, LLC, the Philadelphia Eagles, LLC, the Pittsburgh Steelers, LLC, the Tennessee Football, Inc., the Dallas Cowboys Football Club, Ltd., Houston NFL Holdings, LP d/b/a Houston Texans, Football Northwest, LLC d/b/a Seattle Seahawks, the Green Bay Packers, Inc., the Buffalo Bills, LLC and the New York Football Giants, Inc. (the "Non-Party Teams") for a Protective Order and a Temporary Restraining Order herein and sufficient reason appearing to me therefor,

**IT IS HEREBY ORDERED** that TIG Insurance Company, The North River Insurance Company, United States Fire Insurance Company, Discover Property & Casualty Insurance Company, St. Paul Protective Insurance Company, Travelers Casualty & Surety Company, Travelers Indemnity Company, Travelers Property Casualty Company of America, Continental Insurance Company, Continental Casualty Company, Bedivere Insurance Company, ACE American Insurance Company, Century Indemnity Company, Indemnity Insurance Company of North America, California Union Insurance Company, Illinois Union Insurance Company, Westchester Fire Insurance Company, Federal Insurance Company, Great Northern Insurance Company, Vigilant Insurance Company, Munich Reinsurance America, Inc., XL Insurance America Inc., XL Select Insurance Company, American Guarantee and Liability Insurance Company, Arrowood Indemnity Company, and Westport Insurance Corporation (collectively, the "Insurers") and the National Football League and NFL Properties LLC (collectively, the

"NFL") show cause before this Court at the Individual Assignment ("IAS") Part 48, Room 242, of the Supreme Court of the State of New York, County of New York, 60 Centre Street, New York, New York, on the 14th day of June, at 11am o'clock in the a.m./~~pm~~, or as soon thereafter as counsel can be heard, why an Order should not be entered:

1. Directing the Insurers to withdraw or stay all other proceedings they have commenced in any other jurisdiction against any of the Non-Party Teams seeking to compel compliance with the nearly identical subpoenas issued to each of the Non-Party Teams (the "Subpoenas");
2. Directing the Insurers not to commence any other proceedings in any other jurisdiction to compel compliance with the Subpoenas; and
3. Consolidating all proceedings relating to the Subpoenas to a single proceeding before this Court; and
4. Granting the Non-Party Teams such other and further relief as the Court deems just and proper.

**IT IS HEREBY FURTHER ORDERED**, that ~~sufficient cause being alleged~~ <sup>ON CONSENT</sup>, pending ~~hearing and determination~~ <sup>Argument</sup> of this motion, the Insurers are hereby temporarily restrained from commencing or continuing to prosecute any proceedings in any other jurisdiction against any of the Non-Party Teams to compel compliance with any of the Subpoenas; and

**IT IS HEREBY FURTHER ORDERED**, that electronic filing of this Order to Show Cause, together with the papers upon which it is based, shall be deemed good and sufficient service; and

*Plaintiff insurers agree to stay proceedings in other states while nonparty teams run search terms from Dollinger decision and provide responsive, nonprivileged NONHMAA records by 6/1/19.*

*Non Party Teams agree to jurisdiction of this court for resolution of Discovery matters and shall submit 5th pltn 3- (See Transcript).*

*before commission*

*ALL*

IT IS HEREBY FURTHER ORDERED, that answering papers, if any, shall be served

on counsel for the Clubs on or before the 31<sup>st</sup> day of May. Reply papers may be submitted  
at or before the return date. *NFL on counsel 5/6/19 @ 5pm*

*Reply 6/7/19 @ 5pm*

ENTER:

*Am*  
HON. ANDREA MASLEY

Dated: New York, New York  
April *21<sup>st</sup>*, 2019

*It is further ordered, that as to Team specific / player specific  
discovery requests, plaintiffs shall supplement Discovery forms  
on or before 5/6/19. Am 4/26/19*

HON. ANDREA MASLEY